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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,208	01/31/2007	Folke Axelsson	069798-080672	4688
26288	7590	07/27/2009		
ALBIHNS AB BOX 5581 Valhallavägen 117 STOCKHOLM, SE-114 85 SWEDEN			EXAMINER  DIAZ, JOSE	
			ART UNIT  2879	PAPER NUMBER
			MAIL DATE  07/27/2009	DELIVERY MODE  PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/595,208

**Applicant(s)**

AXELSSON, FOLKE

**Examiner**

JOSE M. DIAZ

**Art Unit**

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 May 2009.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 and 4 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

##### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 20, 2009 has been entered.

Claims 1 and 4 are pending in the instant application.

##### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference sign 36, page 7, line 25. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

***Claim Rejections - 35 USC § 103***

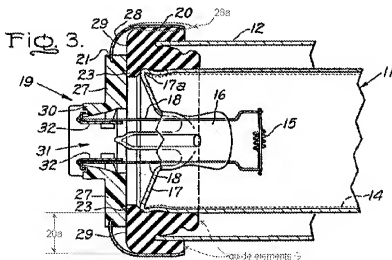
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shanks (3358167)**, in view of **Sica (6254318)**.

Regarding **claim 1**, Shanks clearly shows and discloses a fluorescent lamp, which comprises an elongated main tube (11), a fixing device (19) at each end of the fluorescent lamp (10) for fixing the fluorescent lamp (10) in a light fitting (it is inherent that there will be a fitting to accommodate the lamp), two electrodes (15) provided with emitter material placed inside the main tube (11), a heat-insulating outer tube (12) that surrounds the main tube (11) and creates an airspace between the main tube (11) and

the outer tube (12), each fixing device comprising an end cap (28) with a radial part, that delimits an outer end plane of the fluorescent lamp (10), and with an axial peripheral part (28a, denoted hereinafter by the Examiner in the figure below), characterized in that the axial peripheral part (28a) of the end cap (28) is connected to an end of the outer tube (12) and further comprising a one-piece axial spacer (20) made entirely of a material with low heat conductivity has a first end part (internal shoulder 23) which holds and centers an end of the main tube (11) and a second end part (20a, denoted hereinafter by the Examiner in the figure below) that adjoins the outer end plane and keeps the main tube (11) separate from the end cap (28), wherein the second end part (20a) of the spacer (20) has one or several radially-projecting guide elements (G, denoted hereinafter by the Examiner in the figure below)), against which the end pf the outer tube (12) abuts (figs. 3-4, col. 2, lines 38-44 and 60-63, col. 3, lines 19-20, 27-30, 45-46).



However, Shanks fails to exemplify an adhesive filler material being disposed between the guide elements and joining the spacer, end cap and outer tube to each other in order to make easier the assembly of the outer tube and the end cap when assembling the fluorescent lamp.

In the same field of endeavor, Sica clearly shows and discloses an adhesive (22) disposed between a guide element (fig.1 col. 3, lines 41-43), in order to prevent dislocation of the sleeve when the lamp is under mechanical stress.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an adhesive disposed between a guide element as taught by Sica and adapt it to Shanks device so as to joining the spacer, end cap and outer tube to each other in order, in order to prevent dislocation of the sleeve when the lamp is under mechanical stress.

Regarding **claim 4**, Shanks clearly shows and discloses that the guide element (G) is in the shape of a plurality of radial lugs distributed around the circumference (fig. 3 above).

#### ***Response to Arguments***

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

The amendment filed on May 20, 2009 is not responsive to the objection to the drawings made on the Office action mailed on January 22, 2009. The objection to the drawings as previously presented.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSE M. DIAZ whose telephone number is (571)272-9822. The examiner can normally be reached on 7:00 - 5:00 EST Monday-Thursday; Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

| /José M. Díaz/Examiner, Art Unit 2879

/Sikha Roy/  
Primary Examiner, Art Unit 2879

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